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10 *Hollyvale Rental Holdings, LLC*

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HOLLYVALE RENTAL HOLDINGS, LLC, a
limited liability company,

Plaintiff,

vs.

JARED K. BAUM, an individual; CHARLENE
M. BAUM, an individual; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;
QUALITY LOAN SERVICE CORPORATION;
All other persons unknown claiming any right,
title, estate, lien or interest in the real property
described in the Complaint adverse to Plaintiff's
ownership, or any cloud upon Plaintiff's title
thereto; DOES I through V; and ROE
Corporations I through V,

Defendants.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Counterclaimant,

vs.

HOLLYVALE RENTAL HOLDINGS, LLC, a
California limited liability company,

Counter-Defendant.

Case No.: 2:16-cv-02888-RFB-PAL

STIPULATION AND ORDER TO
EXTEND SCHEDULED DEADLINE TO
AMEND PLEADINGS AND ADD
PARTIES.

1 Plaintiff/ Counter-Defendant Hollyvale Rental Holdings, LLC ("Plaintiff"), by and through
2 its counsel of record, Hutchison & Steffen, PLLC, and Defendant/Counter-Claimant Federal
3 National Mortgage Association, pursuant to LR 26-4, hereby stipulate and represent as follows:

- 4 1. This case was initially filed in the Eighth Judicial District, State of Nevada on or about
5 November 22, 2016. *See* ECF No. 1.
- 6 2. On or about December 14, 2016 Federal National Mortgage Association ("FNMA") filed
7 a petition for removal. *See* ECF No. 1.
- 8 3. On or about February 22, 2017, the Court entered a scheduling order establishing the
9 deadline to amend pleadings and add a party as July 3, 2017.
- 10 4. On or about April 21, 2017 the parties submitted a stipulation and order to stay the litigation
11 pending the outcome of the appeal of *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*,
12 832 F.3d 1154 (9th Cir. 2016), as the parties believed this appeal had direct impact on the
13 instant matter.
- 14 5. The parties were under the impression that the order attached to the stipulation had been
15 entered, however, it appears that the order was never signed.
- 16 6. The parties have resumed discovery, and in so doing, have determined that there are
17 additional parties who must be added to the case.
- 18 7. Therefore, the parties request that this Court extend the deadline to amend pleadings and
19 add parties to five judicial days after the entry of an order on this stipulation.
- 20 8. The parties believe that excusable neglect exists as all parties were under the impression
21 the case was stayed. But for this error, the parties would have amended their pleadings in
22 a timely manner.
- 23 9. The Parties have completed some discovery, have exchanged initial disclosures and begun
24 written discovery.
- 25 10. The parties believe that some additional written discovery will follow, as well as some
26 deposition testimony.
- 27 11. Quality Loan Service Corporation executes this only in the interest of caution, under
28 protest, and as a professional courtesy. It is QLS's position that they have been exited from

1 this litigation. NRS 107.029 (discussing a foreclosure trustee's substantive right in the state
2 of Nevada to take non-monetary status by filing a declaration and thereafter be absolved
3 from money damages and attorney's fees); *Erie R.R. v. Tompkins* 304 U.S. 64 (1938); also
4 *Hanna v. Plumer* 380 U.S. 460 (1965)(discussing the outcome determinative test and
5 substantive state rights in Federal Court); *Cuprite Mine Partners LLC v. Anderson* 809
6 F.3d 548 (9th Cir 2015)(discussing the outcome determinative test in the 9th Circuit in
7 regards to whether or not applying a state statute would significantly alter the litigation).

8
9 Wherefore, the parties undersigned parties stipulate and request that this Court enter an
10 order extending the deadline to amend pleadings and add parties to five judicial days after the entry
11 of an order on this stipulation.

12 Dated this 7th Day of August, 2017.

13 HUTCHISON & STEFFEN, PLLC

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15 /s/ Bradley G. Sims, Esq.
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Attorney for Federal National Mortgage
Association.

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1 MCCARTHY HOLTHUS LLP

2 /s/ Thomas Beckom

3 Kristin A Schuler-Hintz

4 Thomas Beckom

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7 (702) 685-0329

8 IT IS SO ORDERED pursuant to LR 26-4 that the deadline to amend pleadings and add
9 parties in this matter shall be extended to five judicial days form the entry of this order.

10 

11 RICHARD F. BOULWARE, II

12 United States District Judge

13 DATED this 22nd day of August, 2017.

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15 Respectfully submitted:

16
17 HUTCHISON & STEFFEN, PLLC

18 /s/ Bradley G. Sims, Esq.

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